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9 *[See Additional Counsel on Signature*
10 *Page]*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 COACHELLA SELF STORAGE, LLC;
14 JAMES PILCHER; SUSAN PILCHER;
15 MARTIN WELLS and SUSAN WELLS
16 as trustees of the MARTIN & SUSAN
17 WELLS REVOCABLE TRUST; and
18 CHARLES SERRANO and BARBARA
19 SLOAN as trustees of the CHARLES
20 SERRANO AND BARBARA SLOAN
21 2012 REVOCABLE TRUST, on behalf
22 of themselves and all others similarly
23 situated,

24 Plaintiffs,

25 v.

26 UNION PACIFIC RAILROAD
27 COMPANY, successor to SOUTHERN
28 PACIFIC TRANSPORTATION
COMPANY; SFPP, L.P., previously
known as SANTA FE PACIFIC
PIPELINES, INC., previously known as
SOUTHERN PACIFIC PIPELINES,
INC.; KINDER MORGAN
OPERATING L.P. "D"; and KINDER
MORGAN G.P., INC.,

Defendants.

CASE NO. SACV15-718 JVS (DFMx)

**UNOPPOSED MOTION TO
SUSPEND DEADLINE UNDER
L.R. 23-3 TO FILE MOTION FOR
CLASS CERTIFICATION**

1 Plaintiffs Coachella Self Storage, LLC, James Pilcher, Susan Pilcher, Martin
2 Wells and Susan Wells as trustees of the Martin & Susan Wells Revocable Trust,
3 and Charles Serrano and Barbara Sloan as trustees of the Charles Serrano and
4 Barbara Sloan 2012 Revocable Trust (“Plaintiffs”), file this Unopposed Motion to
5 Suspend Deadline Under L.R. 23-3 to File Motion for Class Certification
6 requesting that this Court suspend the deadline for Plaintiffs to file their motion for
7 class certification.

8 On May 5, 2015, this class action lawsuit was instituted. *See* Doc. No. 1.
9 Defendants Union Pacific Railroad Company, successor to Southern Pacific
10 Transportation Company (the “Railroad”) and SFPP, L.P. (previously known as
11 Santa Fe Pacific Pipelines, Inc., which was previously known as Southern Pacific
12 Pipelines, Inc.), Kinder Morgan Operating L.P. “D”, and Kinder Morgan G.P., Inc.
13 (collectively, the “Pipeline”) (the Pipeline and Railroad collectively are referred to
14 herein as “Defendants”) were served with the lawsuit on May 12, 2005. *See* Doc.
15 Nos. 12-15.

16 On June 2, 2015, a request to centralize under 28 U.S.C. § 1407 the current
17 lawsuit and related lawsuits in the Central District of California was made to the
18 United States Judicial Panel on Multidistrict Litigation (“JPML”). On July 30,
19 2015, the JPML heard argument on the motion, and on August 10, 2010, the JPML
20 denied the motion. In light of the motion before the JPML this Court has stayed
21 various motions filed by Defendants. *See* Doc. Nos. 32 & 41.

22 Under Civil Local Rule 23-3, “[w]ithin 90 days after service of a pleading
23 purporting to commence a class action . . . the proponent of the class shall file a
24 motion for certification that the action is maintainable as a class action, unless
25 otherwise ordered by the Court.” L.R. 23-3.

26 In light of the recent activity before the JPML, Counsel for Plaintiffs
27 conferred with Counsel for Defendants regarding a request to suspend the deadline
28

1 under L.R. 23-3 for Plaintiffs to move for class certification. Counsel for
2 Defendants stated that Defendants do not oppose Plaintiffs' request.

3 Accordingly, Plaintiffs respectfully request that this Court suspend the
4 deadline to move for class certification under L.R. 23-3.

5 DATED: August 10, 2015

Respectfully submitted,

6
7 /s/ Jason S. Hartley

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